

EUGENE L. FARISH  
*Attorney at Law*



739 First Avenue • P.O. Box 430  
Monte Vista, CO 81144  
Tele.: (719) 852-5101  
Fax: (719) 852-4833  
E-mail: gene@farishlaw.com

July 21, 2011

VIA: E-FILING  
Ms. Cynthia T. Brown  
Chief Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

230659

Re: FD 35496, Denver & Rio Grande Railway Historic Foundation  
Petition for a Declaratory Order

Dear Ms. Brown:

Enclosed for filing is the City of Monte Vista's *Notice of Intent to Participate* in case #35496, as above referenced. Thank you.

Yours very truly,

Eugene L. Farish  
Attorney at Law

ELF/jmw

Enclosure

ENTERED  
Office of Proceedings

JUL 22 2011

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

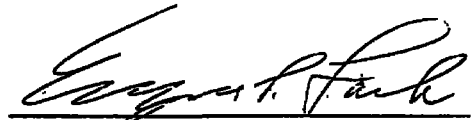
STB DOCKET NO. FD35496

NOTICE OF INTENT TO PARTICIPATE

The City of Monte Vista, Colorado, a Municipal Corporation, files this *Notice of Intent to Participate*, in case #35496, filed by Donald H. Shank, dba/Denver & Rio Grande Railway Historical Foundation and captioned as "*Petition for Declaratory Order*".

The City of Monte Vista seeks to participate in this proceeding due to the fact that it was precipitated by Donald H. Shank's conviction in the Municipal Court of the City of Monte Vista of a city zoning violation concerning the storage of his dilapidated rail cars in a commercially zoned district of the City (which conviction he has now appealed to the District Court of Rio Grande County, Colorado) and due to the fact that he is seeking an order before the Surface Transportation Board pre-empting and nullifying the City's proceedings.

Respectfully submitted,



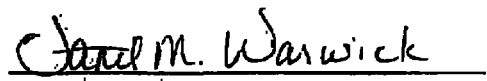
Eugene L. Farish, P. C.  
P. O. Box 430  
Monte Vista, CO 81144  
719-852-5101  
City Attorney  
City of Monte Vista

CERTIFICATE OF SERVICE

I hereby certify that on this <sup>22nd</sup> 21<sup>st</sup> day of July, 2011, I mailed a copy of the foregoing, *Notice of Intent to Participate*, by United States mail, postage prepaid, to:

Donald H. Shank  
Denver & Rio Grande Railway  
Historic Foundation  
20 N Broadway St.  
Monte Vista, CO 81144

John D. Heffner  
John D. Heffner, PLLC  
1750 K Street, NW, Ste. 200  
Washington, DC 20006

  
Janet M. Warwick